

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF DELAWARE**

BOEHRINGER INGELHEIM INTERNATIONAL
GmbH and BOEHRINGER INGELHEIM
PHARMACEUTICAL, INC.,

Plaintiffs,
Counterclaim Defendants,

v.

MYLAN PHARMACEUTICALS INC.,

Defendant and
Counterclaim Plaintiff.

Civil Action No.: 05-0854 (KAJ)

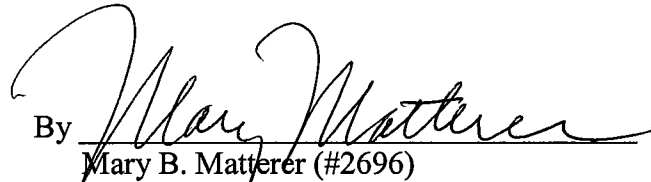
**MYLAN PHARMACEUTICALS INC.'S MOTION TO STRIKE
PLAINTIFFS' ALLEGATIONS CONCERNING WILLFUL INFRINGEMENT
AND TO BAR ALL DISCOVERY RELATING THERETO**

Pursuant to Federal Rule of Civil Procedure 12(f), defendant Mylan Pharmaceuticals Inc. ("Mylan") respectfully moves this Court to strike the allegations concerning willful infringement raised by Boehringer Ingelheim International GmbH and Boehringer Ingelheim Pharmaceutical, Inc. ("Plaintiffs"), in paragraph 17 of the Complaint (D.I. 1) and to bar all discovery relating thereto. The grounds for this Motion are fully set forth in the accompanying brief. A form of Order granting Mylan's motion is attached hereto.

DATED: January 4, 2006

Respectfully submitted,

**MORRIS, JAMES, HITCHENS
& WILLIAMS LLP**

By 

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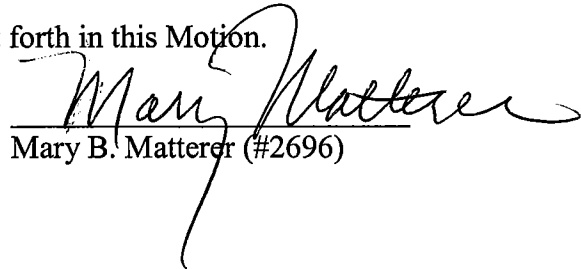
Washington, DC 20036

(202) 912-2000

Dated: January 4, 2006

RULE 7.1.1 CERTIFICATE

The undersigned certifies that movants have made reasonable efforts to reach an agreement with opposing counsel on the matters set forth in this Motion.


Mary B. Matterer (#2696)

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ORDER

Upon consideration of Defendant Mylan Pharmaceuticals Inc.'s Motion to Strike, IT IS
HEREBY ORDERED on this ____ day of _____ that

- (i) Defendant's Motion to Strike is GRANTED; and
- (ii) Plaintiffs' allegations concerning willful infringement in paragraph 17 and of the Complaint (D.I. 1) are hereby STRICKEN.
- (iii) Plaintiffs are barred from taking discovery related to its allegations of willfulness.

The Honorable Kent A. Jordan
United States District Judge

CERTIFICATE OF SERVICE

I caused a true and correct copy of the foregoing documents to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filings to the following:

Jack B. Blumenfeld, Esquire
Morris, Nichols, Arsht & Tunnell
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19899

and that I caused copies to be served upon the following in the manner indicated:

BY HAND

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